

REC'D 12 JUL 2004

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PA 1184198

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

June 18, 2004

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE UNDER 35 USC 111.

APPLICATION NUMBER: 60/456,003

FILING DATE: *March 19, 2003*

**PRIORITY
DOCUMENT**
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COMPLIANCE WITH RULE 17.1(a) OR (b)

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



P. Swain

P. SWAIN

Certifying Officer

03/19/03
JCS931 U.S. PTO

03-20-03

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PTO/SB/18 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EU639490479US

| INVENTOR(S) | | | | |
|---|--|-------------------------------------|---------|---|
| Given Name (first and middle [if any]) | | Family Name or Surname | | Residence (City and either State or Foreign Country) |
| ROBERT CHRISTOPH CHRISTIAN RUDI | | VOIGT MULLER LUTZ SCHERHAG | | HEIDELBERG, GERMANY BIRKENAU, GERMANY GIEBEN, GERMANY SCHRIESHEIM, GERMANY |
| <input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> separately numbered sheets attached hereto | | | | |
| TITLE OF THE INVENTION (500 characters max) | | | | |
| CLOFARABINE DERIVATIVES | | | | |
| Direct all correspondence to: | | CORRESPONDENCE ADDRESS | | |
| <input checked="" type="checkbox"/> Customer Number | | 31076 | | |
| OR | | Type Customer Number here | | |
| <input type="checkbox"/> Firm or Individual Name | | | | |
| Address | | | | |
| Address | | | | |
| City | | State | ZIP | |
| Country | | Telephone | Fax | |
| ENCLOSED APPLICATION PARTS (check all that apply) | | | | |
| <input checked="" type="checkbox"/> Specification | | Number of Pages | 22 | <input type="checkbox"/> CD(s), Number |
| <input type="checkbox"/> Drawing(s) | | Number of Sheets | | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | | | | |
| METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | FILING FEE AMOUNT (\$) | | |
| <input type="checkbox"/> A check or money order is enclosed to cover the filing fees | | | | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number | | 501786 | \$80.00 | |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. | | | | |
| The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government. | | | | |
| <input checked="" type="checkbox"/> No. | | | | |
| <input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are: | | | | |

Respectfully submitted,

SIGNATURE

TYPED or PRINTED NAME STEPHEN J. MOLONEY

TELEPHONE

210 949 8273

Date

03/19/03

REGISTRATION NO.

(If appropriate)

Docket Number:

44947


1000.28.000

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C.

| | | | |
|---|--|--------------------------|---------------|
| <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2003</h2> <p style="font-size: small; margin: 0;">Effective 01/01/2003. Patent fees are subject to annual revision.</p> | | Complete if Known | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | |
| | | Filing Date | 03/19/03 |
| | | First Named Inventor | VOIGT, ET AL. |
| | | Examiner Name | |
| | | Group Art Unit | |
| TOTAL AMOUNT OF PAYMENT (\$) \$80.00 | | Attorney Docket No. | 1000.28.000 |

| METHOD OF PAYMENT (check all that apply) | FEE CALCULATION (continued) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|----------------------------|--------------|--|----------------------------|-----------------|----------|----------|----------|----------|----------|------|------|------|--------------------|-------------------------------------|------|------|------|------|---------------|--|------|------|------|------|------------------|-----------------------------|------|------|-------|------|----------------|--|------|------|------|------|------------------------|--|---------------------|------|--------|------|--------|---|--------------|------|----------------|------|----------|--|---------|------|-----|--------------------|--------|---|---|------|--------------------|------|-----|--|--|--------------|-------|--------------|-----|---|----------|----------|----------|----------|----------|--|----|------|-----|------------------------|-----|------------------|----|------|-----|-----------------------------------|-----|--|-----|------|-----|---------------------------------------|-----|--------------------------|----|------|-------|--|-------|---|----|------|-----|--|----|----------------------------------|--|------|-------|------|---------------------------|--|---------------------|----------------------------|---------------------|---------------------------|---------------------|--------------------------------|--|------|-----|------|-----|------------------|--|------|-----|------|-----|-----------------|--|------|-----|------|-----|-------------------------------|--|------|----|------|----|---------------------------------------|--|------|-----|------|-----|--|--|------|----|------|----|--|--|------|-----|------|-----|---|--|------|-----|------|-----|--|--|------|-----|------|-----|---|--|------|-----|------|-----|---|--|
| <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 501786 Deposit Account Name: ILEX ONCOLOGY, INC. The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | <h3>3. ADDITIONAL FEES</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non - English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>930</td> <td>2253</td> <td>465</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR § 1.17(q)</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> <p>Other fee (specify) _____</p> | Large Entity | | Small Entity | | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | | 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | | 1053 | 130 | 1053 | 130 | Non - English specification | | 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | | 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | | 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | | 1251 | 110 | 2251 | 55 | Extension for reply within first month | | 1252 | 410 | 2252 | 205 | Extension for reply within second month | | 1253 | 930 | 2253 | 465 | Extension for reply within third month | | 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | | 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | | 1401 | 320 | 2401 | 160 | Notice of Appeal | | 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | | 1403 | 280 | 2403 | 140 | Request for oral hearing | | 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | | 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | | 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | | 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | | 1502 | 470 | 2502 | 235 | Design issue fee | | 1503 | 630 | 2503 | 315 | Plant issue fee | | 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | | 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR § 1.17(q) | | 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | | 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | | 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | | 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | | 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | | 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Large Entity | | Small Entity | | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1053 | 130 | 1053 | 130 | Non - English specification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1502 | 470 | 2502 | 235 | Design issue fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR § 1.17(q) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <h3>1. BASIC FILING FEE</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>750</td> <td>2001</td> <td>375</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>330</td> <td>2002</td> <td>165</td> <td>Design filing</td> <td></td> </tr> <tr> <td>1003</td> <td>520</td> <td>2003</td> <td>260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>750</td> <td>2004</td> <td>375</td> <td>Reissue filing</td> <td></td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td>80.00</td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$) \$80.00</td> </tr> </tbody> </table> <h3>2. EXTRA CLAIM FEES FOR UTILITY AND</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Total Claims</th> <th>-20** =</th> <th>0</th> <th>X</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>-3** =</td> <td>0 <td>X</td> <td>0.00</td> </td></tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <h3>3. ADDITIONAL FEES</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>84</td> <td>2201</td> <td>42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>280</td> <td>2203</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>84</td> <td>2204</td> <td>42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$) \$0.00</td> </tr> </tbody> </table> <p>**or number previously paid, if greater; For Reissues, see above</p> | Large Entity | | Small Entity | | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 1001 | 750 | 2001 | 375 | Utility filing fee | | 1002 | 330 | 2002 | 165 | Design filing | | 1003 | 520 | 2003 | 260 | Plant filing fee | | 1004 | 750 | 2004 | 375 | Reissue filing | | 1005 | 160 | 2005 | 80 | Provisional filing fee | 80.00 | SUBTOTAL (1) | | | | | (\$) \$80.00 | Extra Claims | | Fee from below | | Fee Paid | Total Claims | -20** = | 0 | X | Independent Claims | -3** = | 0 <td>X</td> <td>0.00</td> | X | 0.00 | Multiple Dependent | | | | | Large Entity | | Small Entity | | Fee Description | Fee Paid | Fee Code | Fee (\$) | Fee Code | Fee (\$) | 1202 | 18 | 2202 | 9 | Claims in excess of 20 | | 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | | 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid | | 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent | | 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | | SUBTOTAL (2) | | | | | (\$) \$0.00 | <h3>4. SUBTOTALS</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">(\$) \$80.00</td> </tr> <tr> <td style="text-align: right;">SUBTOTAL (2)</td> <td style="text-align: right;">(\$) \$0.00</td> </tr> <tr> <td style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">(\$) \$80.00</td> </tr> </table> | SUBTOTAL (1) | (\$) \$80.00 | SUBTOTAL (2) | (\$) \$0.00 | SUBTOTAL (3) | (\$) \$80.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large Entity | | Small Entity | | Fee Description | | | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1002 | 330 | 2002 | 165 | Design filing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1004 | 750 | 2004 | 375 | Reissue filing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | 80.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL (1) | | | | | (\$) \$80.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Extra Claims | | Fee from below | | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Claims | -20** = | 0 | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims | -3** = | 0 <td>X</td> <td>0.00</td> | X | 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multiple Dependent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large Entity | | Small Entity | | Fee Description | Fee Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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PROVISIONAL APPLICATION FOR UNITED STATES LETTERS PATENT

For

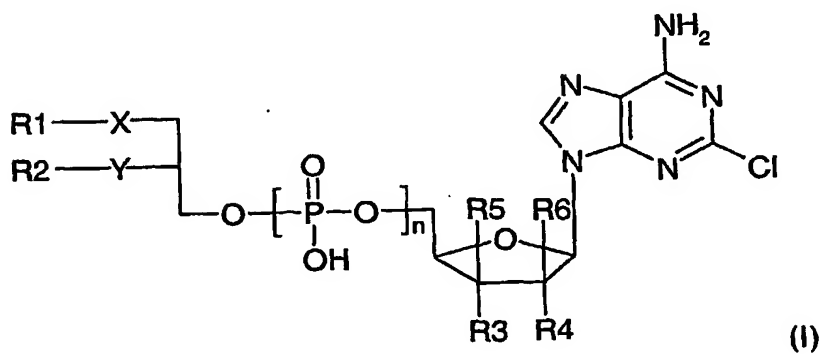
CLOFARABINE DERIVATIVES

By

**Robert Voigt, Christoph Müller, Christian Lutz,
Rudi Scherhag, and Dieter Herrmann**

BACKGROUND OF THE INVENTION

The subject of the present invention are specific lipidesters of nucleotides of the general formula I,



wherein

R^1 is a straight-chain or branched, saturated or unsaturated alkyl residue having 1-20 carbon atoms, optionally mono- or polysubstituted by halogen, C_1 - C_6 alkoxy, C_1 - C_6 alkylmercapto, C_1 - C_6 alkoxycarbonyl, C_1 - C_6 alkylsulfinyl or C_1 - C_6 alkylsulfonyl groups,

R^2 is hydrogen, a straight-chain or branched, saturated or unsaturated alkyl chain having 1-20 carbon atoms, optionally mono- or polysubstituted by halogen, C_1 - C_6 alkoxy, C_1 - C_6 alkylmercapto, C_1 - C_6 alkoxycarbonyl or C_1 - C_6 alkylsulfonyl groups,

R^3 represents hydrogen, hydroxy or halogen,

R^4 represents hydroxy or hydrogen,

R^5 represents hydrogen or hydroxy,

R^6 represents a halogen,

with the proviso that at least one of the residues R^3 or R^5 is hydrogen, or R^3 and R^4 can signify a further bond between C-2' and C-3',

X represents a valence bond, oxygen, sulfur, a sulfinyl or sulfonyl group,

Y is a valence bond, an oxygen or sulfur atom, and

n is an integer of 1, 2 or 3,

their tautomers and their physiologically acceptable salts of inorganic and organic acids and bases, as well as processes for their preparation and medicaments containing these compounds as active ingredients.

The amino group in the adenine residue of the general formula I can also be protected by well known amino protecting groups.

Since the compounds of the general formula I contain asymmetric carbon atoms, all optically-active forms and racemic mixtures of these compounds are also the subject of the present invention.

J. Biol. Chem. 265, 6112 (1990) and EP-A-0,350,287 describe preparation and use of liponucleotides as anti-viral drugs. Therein, however, only dimyristoylphosphatidyl and dipalmitoylphosphatidyl residues coupled to well known nucleosides such as AZT and DDC are disclosed, including their fatty acid ester structure.

J. Med. Chem. 33, 1380, (1990) describes nucleoside conjugates of thioether lipids with cytidine diphosphate, which have antitumor activity and might find use in oncology.

Chem. Pharm. Bull. 36, 209 (1988) describes 5'-(3-sn-phosphatidyl)nucleosides having antileukemic activity, as well as their enzymatic synthesis from the

corresponding nucleosides and phosphocholines in the presence of phospholipase D with transferase activity.

The patent application WO 92/03462 describes thioether lipid conjugates having antiviral activity, particularly for the treatment of HIV infections.

The synthesis of 2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine (known as Clofarabine) is described in J. Org. Chem. 34, 2633 (1969) and in the patent application WO 01/60383.

The pharmacological activity of 2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)- adenine as inhibitor of DNA replication in comparison to other nucleosides is also described in Haematology 463 (1999).

Other halo arabinoadenosines with anticancer activity are mentioned in the patent applications US 5,384,310 and WO 92/20347.

The antiviral activity of such purine derivatives is shown in EP 0 314 011.

2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine (Clofarabine) is a well known development product in clinical trials.

However, some toxic side effects of Clofarabine, mainly on the bone marrow, restrain the clinical use of this drug substance.

The compounds of the present invention in general formula I which incorporate the Clofarabine chemical structure, and homologues thereof, possess biological activity which distinguishes them from the parent nucleosides. In particular, the compounds of the present invention show antitumoral activity and are useful in that at pharmacological relevant doses where one or more of the toxic side effects of the parent compound is/are ameliorated and/or the covalently

bound lipid part improves the bioavailability of the coupled drug substance and appears to contribute to enhanced selectivity and effectiveness of the compounds.

The compounds of the present invention have valuable pharmacological properties. In particular, they are suitable for therapy and prophylaxis of malignant tumors including, carcinomas, sarcomas, or leukemias.

Compared to the unconjugated nucleoside derivatives hitherto employed in treatment of malignant tumors, the compounds according to the invention have enhanced potency/efficacy or lower toxicity and thus, have a wider therapeutic window. In some embodiments of the present invention, the administration of pharmaceutical compositions comprising these compounds may be conducted continuously over a prolonged period of time. Incidences of withdrawal of the preparation or intermittent administration, which frequently are routine with chemotherapeutic agents due to their undesirable side-effects, may be reduced with the compounds according to this invention as compared to the parent compounds. Further, higher dose levels may be employed due to the amelioration of toxic side effects due to enhanced selectivity for tumor cytotoxicity.

The lecithin-like structure of the lipid moiety is desirable for the claimed improvements of the compounds of general formula I. The penetration through membranes and resorption barriers is facilitated and the conjugates according to formula I show a depository effect in different tissues.

The formation of lipid conjugates may also facilitate crossing the blood brain barrier due to better diffusion or active transport processes.

Similarly, the compounds of the present invention and their pharmaceutical formulations may be employed in free or fixed combination with other drugs for the treatment and prophylaxis of the diseases mentioned above.

Examples of these further drugs involve agents such as, e.g., mitosis inhibitors such as colchicines, vinblastine, alkylating cytostatic agents such as cyclophosphamide, melphalan, myleran or cis-platin, antimetabolites such as folic acid antagonists (methotrexate) and antagonists of purine and pyrimidine bases (mercaptopurine, 5-fluorouridine, cytarabine), cytostatically active antibiotics such as anthracyclines (e.g., doxorubicin, daunorubicin), hormones such as fosfestrol, taxanes, e.g. taxol, tamoxifen and other cytostatically/cytotoxically active chemotherapeutic and biologic agents.

Embodiments of the invention also encompass salts of the compounds of the general formula I, including alkali, alkaline earth and ammonium salts of the phosphate group. Examples of the alkali salts include lithium, sodium and potassium salts. Alkaline earth salts include magnesium and calcium and ammonium salts are understood to be those containing the ammonium ion, which may be substituted up to four times by alkyl residues having 1-4 carbon atoms, and/or aryl residues such as benzyl residues. In such cases, the substituents may be the same or different.

The compounds of general formula I may contain basic groups, particularly amino groups, which may be converted to acid addition salts by suitable inorganic or organic acids. To this end, possible as the acids are, in particular: hydrochloric acid, hydrobromic acid, sulphuric acid, phosphoric acid, fumaric acid, succinic acid, tartaric acid, citric acid, lactic acid, maleic acid or methanesulfonic acid.

In general formula I, R^1 preferably represents a straight-chain C_8 - C_{16} alkyl residue which may be further substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.

More specifically, R^1 represents a nonyl, decyl, undecyl, dodecyl, tridecyl, tetradecyl or pentadecyl residue.

Preferably, methoxy, ethoxy, butoxy and hexyloxy groups are possible as substituents of R^1 residue. In case R^1 is substituted by a C_1 - C_6 alkylmercapto residue, this is understood to be the methylmercapto, ethylmercapto, propylmercapto, butylmercapto and hexylmercapto residue, in particular.

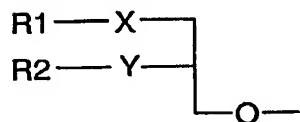
Preferably, R^2 represents a straight-chain C_8 - C_{15} alkyl group which may be further substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group. More specifically, R^2 represents an octyl, nonyl, decyl, undecyl, dodecyl, tridecyl or tetradecyl group. Preferably, methoxy, ethoxy, propoxy, butoxy and hexyloxy groups are preferable as the C_1 - C_6 alkoxy substituents of R^2 .

In case R^2 is substituted by a C_1 - C_6 alkylmercapto residue, this is understood to be the methylmercapto, ethylmercapto, propylmercapto, butylmercapto, pentylmercapto and hexylmercapto residue, in particular.

In some embodiments X is sulfur, sulfinyl or sulfonyl, and Y is oxygen.

Halogen is understood to be selected from the group of fluorine, chlorine, bromine, iodine, wherein fluorine and chlorine are preferred.

An example of a preferred lipid moiety is the group



wherein

R^1 is $C_{12}H_{25}$

R^2 is $C_{10}H_{21}$

X is S, SO or SO_2

Y is O.

Some embodiments include compounds wherein X and Y represent a valence bond, R^2 is hydrogen, and R^1 represents a C_1 - C_{20} alkyl chain optionally substituted by C_1 - C_6 alkoxy or C_1 - C_6 alkylmercapto.

In some embodiments, each R^3 and R^4 independently represent hydrogen or hydroxy.

In some embodiments, R^5 represents hydrogen.

In some embodiments, R^6 represents halogen, such as fluorine, chlorine or bromine, preferably fluorine.

In some preferred embodiments are compounds wherein R^3 represents a hydroxy group, R^4 and R^5 are hydrogen and R^6 is a halogen atom, such as fluorine.

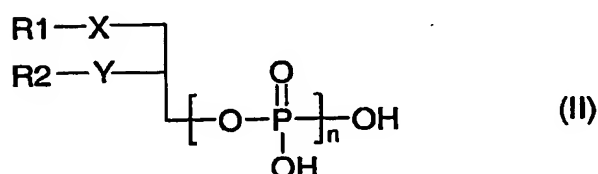
In some embodiments n is 1.

Embodiments also include compounds of the general formula I where R^3 and R^4 together represent a further bond between C-2' and C-3'.

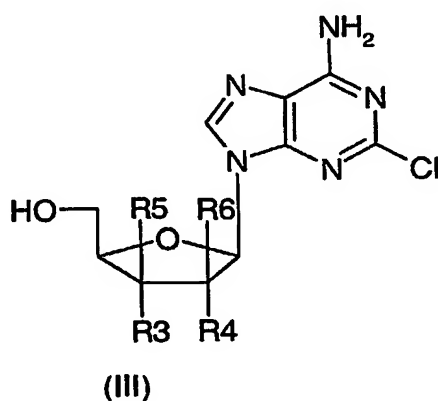
Preferred embodiments for the nucleoside residue in the general formula I include 2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine and 2-Chloro-9-(arabinofuranosyl)adenine in their protected or unprotected form.

The compounds of the general formula I may be prepared by

1. reacting a compound of general formula II



wherein R¹, R², n, X and Y have the meaning as indicated, with a compound of general formula III



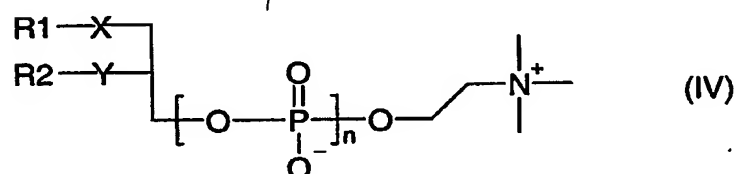
wherein R³, R⁴, R⁵ and R⁶ have the above-mentioned meaning, or represent a hydroxy group protected by an oxygen protecting group familiar to the artisan, in the presence of an activating acid chloride, such as 2,4,6-triisopropylbenzenesulfonic chloride, and a tertiary nitrogen base, e.g., pyridine or lutidine, in an inert solvent, such as toluene, or immediately in anhydrous pyridine, and optionally, subsequent to hydrolysis, removing the

oxygen protecting groups according to procedures conventional in nucleoside chemistry,

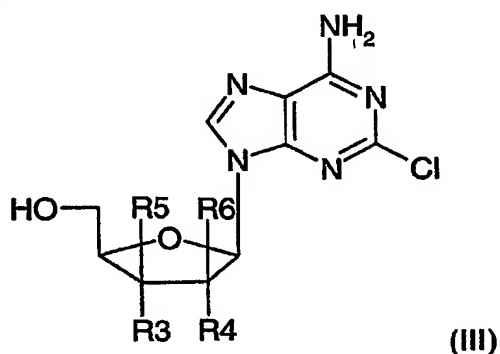
or

reacting a lipidalcohol (corresponding to formula II) with a nucleoside monophosphate (corresponding to formula III) in the same manner as mentioned above, or

2. reacting a compound of general formula IV,



wherein R^1, R^2 , n , X and Y have the above-mentioned meaning, with a compound of general formula III,



wherein R^3, R^4, R^5 and R^6 have the above-mentioned meaning, in the presence of phospholipase D from *Streptomyces* in an inert solvent, such as chloroform, in the presence of a suitable buffer, and optionally, subsequent to reaction, removing the oxygen protecting groups according to procedures conventional in nucleoside chemistry.

The preparation of the compounds of the general formula II and IV is performed in analogy to Lipids 22, 947 (1987) and J. Med. Chem. 34, 1377 (1991).

Compounds of formula III are prepared in analogy to J. Org. Chem. 34, 2633 (1969) and WO 01/60383.

Salts of compounds of general formula I are prepared by reacting the free acid with alkali or alkaline earth hydroxides, alcoholates or acetates.

The "enantiomers" in the lipid parts of the compounds of formula I may be prepared by separation via diastereomeric salts or by enantioselective synthesis of the lipid residues starting with optically active C₃-precursors.

The drugs containing compounds of formula I for the treatment of cancer may be administered in liquid or solid forms on the oral or parenteral route. Common application forms are possible, such as tablets, capsules, coated tablets, syrups, solutions, or suspensions.

Preferably, water is used as the injection medium, containing additives such as stabilizers, solubilizers and buffers as are common with injection solutions. Such additives are, e.g., tartrate and citrate buffers, ethanol, complexing agents such as ethylenediaminetetraacetic acid and its non-toxic salts, high-molecular polymers such as liquid polyethylene oxide for viscosity control. Liquid vehicles for injection solution need to be sterile and are filled in ampoules, preferably.

Solid carriers are, for example, starch, lactose, mannitol, methylcellulose, talc, highly dispersed silicic acids, higher-molecular fatty acids such as stearic acid, gelatine, agar-agar, calcium phosphate, magnesium stearate, animal and plant fats, solid high-molecular polymers such as polyethylene glycol, etc. If

desired, formulations suitable for oral application may include flavorings or sweeteners.

The dosage may depend on various factors such as mode of application, species, age, or individual condition.

The compounds according to the invention may suitably be administered orally or intravenously (i.v.) in amounts in the range of 0.1 - 100mg, preferably in the range of 0.2 - 80mg per kg of body weight and per day. In some dosage regimens, the daily dose is divided into 2-5 applications, with tablets having an active ingredient content in the range of 0.5 - 500mg being administered with each application.

Similarly, the tablets may have sustained release, reducing the number of applications, e.g., to 1-3 per day. The active ingredient content of sustained-release tablets may be in the range of 2-1000mg. The active ingredient may also be administered by i.v. bolus injection or continuous infusion, where amounts in the range of 5-1000mg per day are normally sufficient.

In addition to the compounds mentioned in the examples, the following compounds of formula I and their pharmacologically acceptable salts further exemplify compounds of the present invention:

1. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-dodecylmercapto-2-decyloxy)propyl ester
2. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-dodecylsulfinyl-2-decyloxy)propyl ester
3. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-dodecylsulfonyl-2-decyloxy)propyl ester
4. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylmercapto-2-decyloxy)propyl ester

5. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylmercapto-2-undecyloxy)propyl ester
6. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-decylmercapto-2-dodecyloxy)propyl ester
7. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-dodecylmercapto-2-dodecyloxy)propyl ester
8. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-decylmercapto-2-decyloxy)propyl ester
9. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylsulfinyl-2-decyloxy)propyl ester
10. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylsulfonyl-2-decyloxy)propyl ester
11. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylsulfinyl-2-undecyloxy)propyl ester
12. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-undecylsulfonyl-2-undecyloxy)propyl ester
13. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-tridecylmercapto-2-undecyloxy)propyl ester
14. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-tridecylmercapto-2-decyloxy)propyl ester
15. [2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-tridecylsulfinyl-2-decyloxy)propyl ester

EXAMPLE 1

[2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine]-5'-phosphoric acid-(3-dodecylmercapto-2-decyloxy)propyl ester

0.91 g of phosphoric acid-(3-dodecylmercapto-2-decyloxy)propyl ester are treated twice with 20 ml of anhydrous pyridine and concentrated by evaporation. The residue is dissolved in 20 ml of anhydrous pyridine at room

temperature, treated with 1.07 g of 2,4,6-triisopropylbenzenesulfonic chloride under nitrogen and stirred at 25°C for 0.5 hours. Then 0.5 g of 2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine (Clofarabine) are added at once, and the charge is allowed to stand under nitrogen for 20 hours. Hydrolysis is performed by adding 5 ml of water, the mixture is stirred for another 0.5 hour at room temperature, freed from solvent under vacuum, and stripped twice using 50 ml of toluene. The residue is purified by column chromatography on Lichrospher 60 RPSelect B with methanol/aqueous 40mM sodium acetate 88:12 as the eluent. The product containing fractions are evaporated. The residue is distributed between 50 ml of tert.-butylmethylether and 10 ml of 2N hydrochloric acid. The organic layer is evaporated. The residue is dissolved in a mixture of 5 ml of toluene and of 5 ml of methanol. The pH is adjusted to pH 7 by addition of sodium methanolate. The solvent is stripped of and the residue is dried in vacuum.

The yield is 0.82 g (62%) white powder.

^{31}P -NMR (121,5 MHz, D_6 -DMSO, 25°C): -0.4

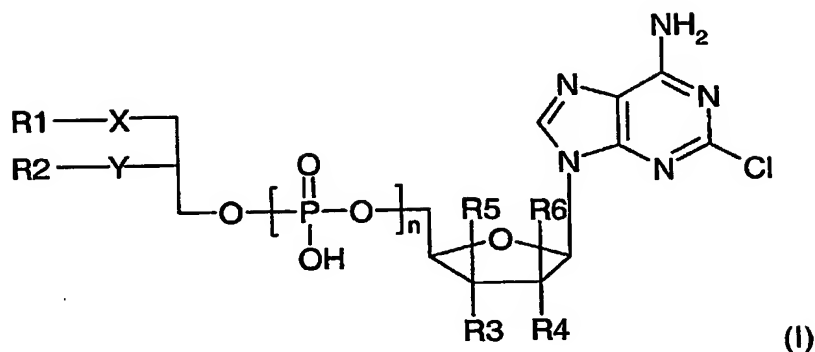
Melting point: 176°C.

The phosphoric acid-(3-dodecylmercapto-2-decyloxy)propyl ester is prepared as described in WO 92/03462.

2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine is prepared according to J. Org. Chem. 34, 2633 (1969) and WO 01/60383.

CLAIMS

1. A nucleotide derivative of formula I



wherein

R^1 is selected from the group consisting of a straight-chain or branched, saturated or unsaturated alkyl chain having 1-20 carbon atoms, which is unsubstituted or substituted at least once by halogen, C_1 - C_6 alkoxy, C_1 - C_6 alkylmercapto, C_1 - C_6 alkoxycarbonyl, C_1 - C_6 alkylsulfinyl or C_1 - C_6 alkylsulfonyl groups;

R^2 is selected from the group consisting of hydrogen, a straight-chain or branched, saturated or unsaturated alkyl chain having 1-20 carbon atoms, which is unsubstituted or substituted at least once by halogen, C_1 - C_6 alkoxy, C_1 - C_6 alkylmercapto, C_1 - C_6 alkoxycarbonyl or C_1 - C_6 alkylsulfonyl groups;

R^3 is selected from the group consisting of hydrogen, hydroxy and halogen;

R^4 is selected from the group consisting of hydrogen and hydroxy;

R^5 is selected from the group consisting of hydrogen, hydroxy and halogen;

R^6 is halogen;

X is selected from the group consisting of a valence bond, an oxygen atom, a sulfur atom, a sulfinyl group and a sulfonyl group;

Y is selected from the group consisting of a valence bond, an oxygen atom and a sulfur atom;

n is an integer of 1, 2 or 3;

with the proviso that at least one of the residues R^3 or R^5 is hydrogen and that, furthermore, R^3 and R^4 can signify a further bond between C-2' and C-3', whereby the amino group of the nucleoside base may be unsubstituted or substituted by a known amino protecting group, their tautomers, their optically active forms and racemic mixtures, and their physiologically acceptable salts of inorganic and organic acids or bases.

2. The nucleotide derivative according to claim 1, wherein R^1 is a straight-chain C_8 - C_{15} alkyl group, which is unsubstituted or substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.
3. The nucleotide derivative according to claim 1, wherein R^2 represents a straight-chain C_8 - C_{15} alkyl group, which is unsubstituted or substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.
4. The nucleotide derivative according to claim 1, wherein X is sulfur, sulfinyl or sulfonyl, and Y is oxygen.
5. The nucleotide derivative according to claim 1, wherein X and Y are valence bonds, R^2 is hydrogen, and R^1 is a C_1 - C_{20} alkyl group, which is

unsubstituted or substituted by a C₁-C₆ alkoxy or a C₁-C₆ alkylmercapto group.

6. The nucleotide derivative according to claims 1 to 6, wherein n is 1.
7. The nucleotide derivative according to claims 1 to 6, wherein R⁵ is selected from the group consisting of hydrogen, and halogen.
8. The nucleotide derivative according to claim 1, wherein R³ and R⁴ are individually selected from the group consisting of hydroxy or a hydrogen atom.
9. The nucleotide derivative according to claim 1, wherein R⁵ is hydrogen.
10. The nucleotide derivative according to claim 1, wherein R⁶ is fluoro.
11. The nucleotide derivative according to claim 1, wherein R³ and R⁴ signify a further bond between C-2' and C-3'.
12. The nucleotide derivative according to claim 1, wherein R⁴ and R⁵ are hydrogen.
13. The nucleotide derivative according to claim 12, wherein R³ is hydroxy.
14. The nucleotide derivative according to claim 1, wherein

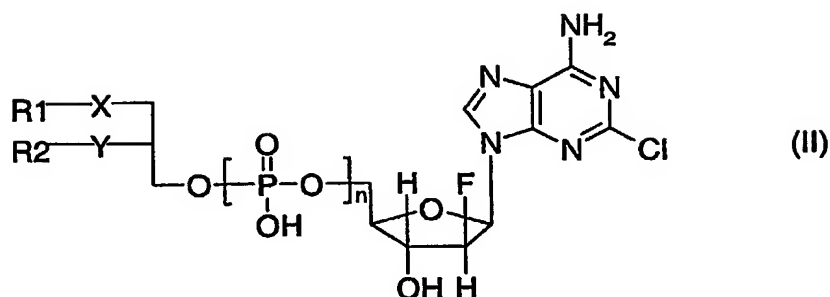
R¹ is a straight-chain C₉-C₁₃ alkyl group which is unsubstituted or substituted by a methoxy, ethoxy, butoxy, hexyloxy, methylmercapto, ethylmercapto, propylmercapto, butylmercapto, or hexylmercapto residue;

R4 is a hydrogen atom; and

R5 is a hydrogen atom.

15. The nucleotide derivative according to claim 1, wherein the nucleoside portion is 2-Chloro-9-(2'-deoxy-2'-fluoro arabinofuranosyl)adenine.
16. A composition comprising at least one compound according to claim 1 in combination with a pharmaceutically acceptable adjuvant or vehicle.
17. A method for treating malignant tumors comprising administering to a patient in need of such treatment an amount of the composition according to claim 16 effective to treat said tumors.
18. The method according to claim 17, wherein said tumor is selected from the group consisting of carcinomas, sarcomas or leukemias.
19. A method for treating malignant tumors comprising administering to a patient in need of such treatment an amount of the composition according to claim 16 effective to treat said tumors in fixed or free combination with other anticancer agents.

20. A nucleotide derivative of formula II



wherein

R¹ is selected from the group consisting of a straight-chain or branched, saturated or unsaturated alkyl chain having 1-20 carbon atoms, which is unsubstituted or substituted at least once by halogen, C₁-C₆ alkoxy, C₁-C₆ alkylmercapto, C₁-C₆ alkoxycarbonyl, C₁-C₆ alkylsulfinyl or C₁-C₆ alkylsulfonyl groups;

R² is selected from the group consisting of hydrogen, a straight-chain or branched, saturated or unsaturated alkyl chain having 1-20 carbon atoms, which is unsubstituted or substituted at least once by halogen, C₁-C₆ alkoxy, C₁-C₆ alkylmercapto, C₁-C₆ alkoxycarbonyl or C₁-C₆ alkylsulfonyl groups;

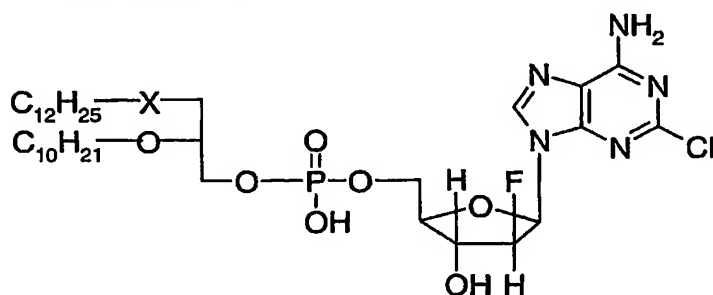
X is selected from the group consisting of a valence bond, an oxygen atom, a sulfur atom, a sulfinyl group and a sulfonyl group;

Y is selected from the group consisting of a valence bond, an oxygen atom and a sulfur atom;

n is an integer of 1, 2 or 3;

whereby the amino group of the nucleoside base may be unsubstituted or substituted by a known amino protecting group, their tautomers, their optically active forms and racemic mixtures, and their physiologically acceptable salts of inorganic and organic acids or bases.

21. The nucleotide derivative according to claim 20, wherein R^1 is a straight-chain C_8 - C_{15} alkyl group, which is unsubstituted or substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.
22. The nucleotide derivative according to claim 20, wherein R^2 represents a straight-chain C_8 - C_{15} alkyl group, which is unsubstituted or substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.
23. The nucleotide derivative according to claim 20, wherein X is sulfur, sulfinyl or sulfonyl, and Y is oxygen.
24. The nucleotide derivative according to claim 1, wherein X and Y are valence bonds, R^2 is hydrogen, and R^1 is a C_1 - C_{20} alkyl group, which is unsubstituted or substituted by a C_1 - C_6 alkoxy or a C_1 - C_6 alkylmercapto group.
25. The nucleotide derivative according to claims 1 to 6, wherein n is 1.
26. The nucleotide derivative according the claim 1 or 20, wherein the compound is:



wherein X is sulfur, sulfinyl or sulfonyl.

27. A composition comprising at least one compound according to claim 1 - 20 in combination with a pharmaceutically acceptable adjuvant or vehicle.
28. A method for treating malignant tumors comprising administering to a patient in need of such treatment an amount of the composition according to claim 28 effective to treat said tumors.
29. The method according to claim 29, wherein said tumor is selected from the group consisting of carcinomas, sarcomas or leukemias.
30. A method for treating malignant tumors comprising administering to a patient in need of such treatment an amount of the composition according to claim 29 effective to treat said tumors in fixed or free combination with other anticancer agents.

ABSTRACT

The subject of the present invention are specific lipidesters of halogenated-adenine nucleotides and the use of such lipidesters in the treatment of tumors.